<u>REMARKS</u>

In the ***final*** Office Action mailed November 12, 2009, the Office noted that claims 1-3 and 5-12 were pending and rejected claims 1-3 and 5-12. In this response claims 1-3 and 5-12 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

<u>REJECTIONS under 35 U.S.C. § 102</u>

Claims 1-3 and 5-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Junsaku, JP 2002-216361. The Applicants respectfully disagree and traverse the rejection with an argument.

On pages 3 and 4 of the Office Action, it is asserted that Junsaku, ¶ 0059 disclose "wherein the identification information is start / end address information indicating a start or end position of at least one portion of said first buffer area formed in advance," as in claim 1.

However, Junsaku ¶ 0059 of merely teaches that the address (i.e. the physical address) of the area portion, which is currently read, is obtained. Namely, Junsaku merely teaches the conventional technique that detects or judges what value the address, which is currently read, is. Junsaku does not teach that the address information (for example, the information such as the pointer information) which indicates a certain area

portion (for example, the area portion corresponding to N1 in Drawing 3 of Junsaku) is recorded as management or control information in a certain area portion of the recording medium. In other words, Junsaku does not teach that the information indicating N1 to N8 is recorded in a certain area portion of the recording medium, in addition to the physical address which is recorded with (or embedded in) the user data.

Further, Junsaku discusses that (i) "N0 is a start address of the recordable area of the front-side recording layer 3, N3 is a last address of the recordable area of the front· side recording layer 3, N4 is a first address of the recordable area of the rear-side recording layer 2, N7 is a record end address of the rear-side recording layer 2 and N8 is a last address of the recordable area of the rear-side recording layer 2 (see Junsaku ¶ 0045)", and (ii) "*the radial positions of N0, N3, N4 and N8 are determined* to satisfy the above condition (see Junsaku ¶ 0046)". According to Junsaku, N0, N3, N4 and N8 are fixed values which are determined in advance. Namely, there is no need to record the information for indicating N0, N3, N4 and N8 into the recording medium, because N0, N3, N4 and N8 are fixed (i.e. are not variable).

In contrast, the "start / end address information" of the present invention is variable value which can be arbitrary, freely or variably set by the manufacturer of the recording medium, and thus the "start / end address information" of the

present invention is recorded on the recording medium. According to the present invention as embodied in the claims, a size (or a range) of at least one portion of the first buffer area, which is formed in advance as a pre-recording area, can be arbitrary, freely or variably set by the manufacturer of the recording medium.

Therefore, for at least the reasons discussed above, claims 1, 7 and 12 and the claims dependent therefrom are not anticipated by Junsaku.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 102. It is also submitted that claims 1-3 and 5-12 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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